

Proctor Declaration

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA CORPORATION,)	C-11-01846 LHK
)	
)	SAN JOSE, CALIFORNIA
PLAINTIFF,)	
)	JULY 31, 2012
VS.)	
)	VOLUME 2
SAMSUNG ELECTRONICS CO., LTD., A KOREAN BUSINESS ENTITY; SAMSUNG ELECTRONICS AMERICA, INC., A NEW YORK CORPORATION; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, A DELAWARE LIMITED LIABILITY COMPANY,)	PAGES 283-555
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DEFENDANTS.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

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A P P E A R A N C E S :

FOR PLAINTIFF MORRISON & FOERSTER
APPLE: BY: HAROLD J. MCELHINNY
MICHAEL A. JACOBS
RACHEL KREVANS
425 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105

FOR COUNTERCLAIMANT WILMER, CUTLER, PICKERING,
APPLE: HALE AND DORR
BY: WILLIAM F. LEE
60 STATE STREET
BOSTON, MASSACHUSETTS 02109

BY: MARK D. SELWYN
950 PAGE MILL ROAD
PALO ALTO, CALIFORNIA 94304

FOR THE DEFENDANT: QUINN, EMANUEL, URQUHART,
OLIVER & HEDGES
BY: CHARLES K. VERHOEVEN
50 CALIFORNIA STREET, 22ND FLOOR
SAN FRANCISCO, CALIFORNIA 94111

BY: VICTORIA F. MAROULIS
KEVIN P.B. JOHNSON
555 TWIN DOLPHIN DRIVE
SUITE 560
REDWOOD SHORES, CALIFORNIA 94065

BY: MICHAEL T. ZELLER
WILLIAM C. PRICE
JOHN B. QUINN
865 SOUTH FIGUEROA STREET
10TH FLOOR
LOS ANGELES, CALIFORNIA 90017

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1 EXAMINED AND TESTIFIED AS FOLLOWS:

2 THE WITNESS: I AFFIRM.

3 THE CLERK: WOULD YOU HAVE A SEAT,
4 PLEASE.

5 STATE YOUR NAME, PLEASE, AND SPELL IT.

6 THE WITNESS: CHRISTOPHER STRINGER,
7 C-H-R-I-S-T-O-P-H-E-R, S-T-R-I-N-G-E-R.

8 **DIRECT EXAMINATION**

9 BY MR. MCELHINNY:

10 Q ARE YOU COMFORTABLE?

11 A I AM.

12 THE COURT: I'M SORRY. THE TIME WAS
13 2:37. GO AHEAD.

14 MR. MCELHINNY: THANK YOU.

15 Q WOULD YOU PLEASE STATE YOUR NAME FOR THE
16 RECORD.

17 A CHRISTOPHER STRINGER.

18 Q THANKS. AND BY WHOM ARE YOU EMPLOYED?

19 A APPLE.

20 Q HOW LONG HAVE YOU WORKED AT APPLE?

21 A SEVENTEEN YEARS IN SEPTEMBER.

22 Q WHAT YEAR DID YOU START?

23 A 1995.

24 Q WHAT IS YOUR CURRENT POSITION AT APPLE?

25 A I'M AN INDUSTRIAL DESIGNER.

1 Q SIR, CAN YOU TELL US JUST GENERALLY,
2 DEFINITIONALLY, WHAT DOES AN INDUSTRY DESIGNER DO?

3 A WELL, AT APPLE, OUR ROLE IS TO IMAGINE OBJECTS
4 THAT DON'T EXIST AND TO GUIDE THE PROCESS THAT
5 BRINGS THEM TO LIFE.

6 AND SO THAT INCLUDES DEFINING THE
7 EXPERIENCE THAT A CUSTOMER HAS WHEN THEY TOUCH AND
8 FEEL OUR PRODUCTS.

9 SO IT'S MANAGING THE OVERALL FORM AND THE
10 MATERIALS, THE TEXTURES, THE COLORS. IT'S MANAGING
11 THE DETAILS.

12 AND IT'S ALSO WORKING WITH ENGINEERING
13 GROUPS TO, AS I SAY, BRING IT TO LIFE, TO BRING IT
14 TO THE MARKET AND TO BUILDING THE CRAFTSMANSHIP
15 THAT IT ABSOLUTELY NEEDS TO HAVE TO HAVE THAT APPLE
16 QUALITY.

17 Q TELL US A LITTLE BIT ABOUT YOUR PROFESSIONAL
18 BACKGROUND BEFORE YOU JOINED APPLE.

19 A BEFORE I JOINED APPLE, I WORKED IN
20 CONSULTANCIES IN SAN FRANCISCO, IN SIDNEY, AND
21 LONDON.

22 AND PRIOR TO THAT, I -- MY EDUCATION WAS
23 COMPLETED AT THE ROYAL COLLEGE OF ART WHERE I HAD A
24 MASTER'S IN INDUSTRIAL DESIGN.

25 Q WHAT IS A CONSULTANCY, SIR?

1 A A CONSULTANCY WOULD BE A HIRED HAND FOR
2 INDUSTRIAL DESIGN. SO WE WORK WITH MULTIPLE
3 CORPORATIONS, BASICALLY PROJECT BY PROJECT.

4 Q TO WHOM DO YOU CURRENTLY REPORT AT APPLE?

5 A JONATHAN IVE.

6 Q WERE YOU INVOLVED IN THE DESIGN OF THE FIRST
7 IPHONE THAT WAS RELEASED BY APPLE?

8 A YES, I WAS.

9 Q HAVE YOU WORKED ON OTHER APPLE PRODUCTS?

10 A YES. I'VE WORKED ON EVERY APPLE PRODUCT SINCE
11 I JOINED APPLE IN 1995.

12 WE WORK AS A TEAM. WE TAKE THAT VERY
13 SERIOUSLY. WE DEDICATE TIME EVERY WEEK TO MAKE
14 SURE THAT WE ALL GET TOGETHER AND WE ALL DISCUSS
15 EVERY SINGLE PROJECT. SO EACH MEMBER OF THE DESIGN
16 TEAM CONTRIBUTES TO ALL PROJECTS, PRODUCTS, WHICH
17 IS WHY I'M CONFIDENT THAT I HAVE HAD INPUT IN EVERY
18 PRODUCT THAT WE'VE SHIPPED SINCE 1995.

19 Q ARE YOU NAMED, SIR, AS AN INVENTOR ON ANY
20 PATENTS?

21 A YES, MANY. HUNDREDS. I HAVE NO IDEA HOW
22 MANY.

23 Q IF I'M LUCKY, YOU'LL HAVE A BINDER IN FRONT OF
24 YOURSELF THAT SAYS EXHIBITS.

25 DO YOU SEE THAT?

1 A YES. IT DOESN'T SAY EXHIBITS, BUT I HAVE A
2 BINDER.

3 Q OKAY. DOES IT HAVE EXHIBITS IN IT? CAN YOU
4 FIND JX 1040, PLEASE?

5 A YES, I HAVE IT HERE.

6 Q WHAT IS THAT DOCUMENT?

7 A THIS IS A PATENT DOCUMENT THAT DEFINES THE
8 IPAD.

9 Q AND CAN YOU TELL US THE LAST THREE NUMBERS OF
10 THE DOCUMENT, OF THE PATENT?

11 A '889.

12 Q ARE YOU A NAMED INVENTOR ON THAT PATENT?

13 A YES, I AM.

14 MR. MCELHINNY: YOUR HONOR, I'D MOVE JX
15 1040 INTO EVIDENCE.

16 THE COURT: ANY OBJECTION.

17 MR. VERHOEVEN: NO OBJECTION.

18 THE COURT: SO ADMITTED.

19 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
20 1040, HAVING BEEN PREVIOUSLY MARKED FOR
21 IDENTIFICATION, WAS ADMITTED INTO
22 EVIDENCE.)

23 BY MR. MCELHINNY:

24 Q SIR, DO ANY APPLE PRODUCTS INCORPORATE THE
25 DESIGN OF THE '889 PATENT?

1 A YES, IPAD 2 AND IPAD 3.

2 Q WOULD YOU LOOK IN YOUR BINDER, PLEASE, TO
3 EXHIBIT JX 1041.

4 A YES, I SEE IT.

5 Q WHAT IS THAT DOCUMENT?

6 A THIS IS A PATENT DOCUMENT THAT DESCRIBES THE
7 IPHONE.

8 Q AND CAN YOU TELL US THE LAST THREE NUMBERS OF
9 THAT DOCUMENT?

10 A '087.

11 Q ARE YOU A NAMED INVENTOR ON THIS PATENT?

12 A YES, I AM.

13 MR. MCELHINNY: YOUR HONOR, I WOULD MOVE
14 EXHIBIT JX 1041 INTO EVIDENCE.

15 MR. VERHOEVEN: NO OBJECTION.

16 THE COURT: ALL RIGHT. SO ADMITTED.

17 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
18 1041, HAVING BEEN PREVIOUSLY MARKED FOR
19 IDENTIFICATION, WAS ADMITTED INTO
20 EVIDENCE.)

21 THE COURT: GO AHEAD, PLEASE.

22 BY MR. MCELHINNY:

23 Q DO ANY APPLE PRODUCTS INCORPORATE THIS DESIGN?

24 A YES. THE ORIGINAL IPHONE, THE IPHONE 3G, AND
25 THE 3GS.

1 Q WOULD YOU LOOK, PLEASE, AT EXHIBIT JX 1043.

2 A YES.

3 Q WHAT IS THIS DOCUMENT?

4 A THIS IS A PATENT DOCUMENT THAT DESCRIBES
5 IPHONE.

6 Q I'M SORRY?

7 A THIS IS A PATENT DOCUMENT THAT DESCRIBES
8 IPHONE.

9 Q THANK YOU. WHAT ARE THE LAST THREE NUMBERS OF
10 THE PATENT?

11 A '677.

12 Q AND ARE YOU A NAMED INVENTOR ON THIS PATENT?

13 A YES, I AM.

14 MR. MCELHINNY: YOUR HONOR, I MOVE JX
15 1043 INTO EVIDENCE.

16 MR. VERHOEVEN: NO OBJECTION.

17 THE COURT: SO ADMITTED.

18 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
19 1043, HAVING BEEN PREVIOUSLY MARKED FOR
20 IDENTIFICATION, WAS ADMITTED INTO
21 EVIDENCE.)

22 BY MR. MCELHINNY:

23 Q DO ANY APPLE PRODUCTS INCORPORATE THIS DESIGN?

24 A YES, ALL -- ALL IPHONES TO DATE.

25 Q CAN YOU TELL US A LITTLE BIT ABOUT HOW THE

1 DESIGN, THE INDUSTRIAL DESIGN GROUP AT APPLE WORKS?
2 A WE -- FIRST LET ME EXPLAIN THE GROUP A LITTLE.
3 WE'RE A VERY SMALL GROUP, SOMETHING AROUND 15 OR 16
4 DESIGNERS. AS I SAID EARLIER, WE WORK AROUND -- WE
5 WORK TOGETHER LIKE AROUND THE KITCHEN TABLE.

6 IT'S A VERY CULTURALLY DIVERSE GROUP. WE
7 HAVE DESIGNERS FROM THE U.S., OF COURSE, BUT WE
8 ALSO HAVE AUSTRALIANS, JAPANESE, ENGLISH, I SHOULD
9 SAY BRITISH, GERMAN, AUSTRIAN. YOU GET THE GIST.
10 IT'S A VERY DIVERSE GROUP.

11 WE'VE BEEN TOGETHER FOR AN AWFULLY LONG
12 TIME. MANY OF US HAVE BEEN THERE FOR 15 TO 20
13 YEARS WORKING TOGETHER.

14 SO IT'S A VERY FAMILIAR, SMALL
15 ENVIRONMENT WHICH I THINK IS REMARKABLE ABOUT A
16 COMPANY THE SIZE OF APPLE.

17 WE REPORT DIRECTLY INTO THE HIGHEST
18 LEVELS OF LEADERSHIP AT APPLE.

19 AND WE HAVE OUR OWN, OUR ARMS AROUND ALL
20 OF THE PROJECTS THAT WE SHIP 100 PERCENT.

21 SO IN SOME WAYS, IT FEELS LIKE A SMALL
22 COMPANY. IT'S A VERY COMFORTABLE WORKING
23 ENVIRONMENT AND WE WORK REALLY HARD.

24 Q SIR, WE HEARD THIS MORNING IN SAMSUNG'S
25 OPENING THAT SAMSUNG HAS A THOUSAND DESIGNERS.

1 AND HOW MANY DOES APPLE HAVE?

2 A 15 OR 16. I'M NOT QUITE SURE. I'VE NEVER
3 COUNTED.

4 Q YOU MENTIONED WORKING AROUND A TABLE. IS
5 THAT -- IS THAT -- ARE YOU USING THAT AS SORT OF A
6 SYMBOL FOR SOMETHING, OR ARE YOU TALKING ABOUT
7 SOMETHING LITERAL?

8 A THERE IS A TABLE IN THE KITCHEN. IT'S WHERE
9 WE'RE COMFORTABLE. IT'S WHERE WE ARE MOST
10 FAMILIAL. WE THROW IDEAS AROUND AND WE -- IT'S A
11 BRUTALLY HONEST CIRCLE OF DEBATE. WE'RE JUST VERY
12 COMFORTABLE THERE. THAT'S WHERE THE IDEAS HAPPEN.

13 Q DOES THE INDUSTRIAL DESIGN GROUP AT APPLE
14 INTERACT WITH OTHER GROUPS AT APPLE?

15 A YES, WE DO. WE WORK WITH PRIMARILY TWO
16 GROUPS. WE WORK WITH MANY GROUPS, OF COURSE, BUT
17 PRIMARILY TWO, ONE OF THEM BEING PRODUCT DESIGN,
18 WHICH IS OFTEN REFERRED TO AS PD.

19 THEY ARE RESPONSIBLE FOR PATENT DESIGN
20 AND BUILDING, MANUFACTURING THE PRODUCTS, OR
21 DESIGNING PATENT DESIGNS FOR MANUFACTURED PRODUCTS.

22 WE ALSO WORK WITH THE OPERATIONS GROUP
23 WHICH HAS MANY ENGINEERING ORGANIZATIONS UNDER ITS
24 ROOF, AND EACH OF THEM SPECIALIZE IN VARIOUS
25 ASPECTS OF MANUFACTURING ENGINEERING.

1 Q AND YOU'VE SEEN THIS MODEL 035 BEFORE;
2 CORRECT?

3 A YES.

4 Q AND IF YOU LOOK AT -- IF WE CAN PUT ON THE
5 SCREEN DX 740, HERE WE HAVE -- AND THIS SHOULD BE
6 IN YOUR BINDER AS WELL IF YOU'D LIKE TO LOOK AT THE
7 HARD COPY IMAGES, SIR.

8 A YES, I SEE IT.

9 Q I DON'T HAVE MY HARD COPY YET, SO I'M GOING TO
10 GET MY HARD COPY, TOO.

11 MR. MCELHINNY: YOUR HONOR, THIS EXHIBIT
12 HAS NOT BEEN MOVED INTO EVIDENCE. I'M NOT SURE IT
13 SHOULD BE PUBLISHED.

14 THE COURT: IS THERE GOING TO BE AN
15 OBJECTION?

16 MR. MCELHINNY: IT DEPENDS ON WHETHER OR
17 NOT THERE'S A FOUNDATION THAT'S LAID, YOUR HONOR.

18 THE COURT: ALL RIGHT. LAY THE
19 FOUNDATION, PLEASE.

20 MR. VERHOEVEN: OKAY.

21 Q YOU'VE SEEN THESE IMAGES BEFORE, THESE PHOTOS;
22 RIGHT, SIR?

23 A I BELIEVE I MAY HAVE SEEN THEM IN DEPOSITION.

24 Q AND YOU'VE STUDIED THOSE PHOTOS AND YOU
25 COMPARED THEM TO THE APPLE MODEL 035, WHICH IS

1 MARKED AS DX 741; CORRECT?

2 A I BELIEVE THAT IS TRUE.

3 Q AND IT'S YOUR OPINION, IN FACT, YOU'RE
4 CONVINCED FROM STUDYING THEM BOTH THAT THEY ARE ONE
5 AND THE SAME? IN OTHER WORDS, THE PHOTOS ARE
6 PICTURES OF APPLE MODEL 035; RIGHT?

7 A I DO RECALL SUCH AN EXERCISE OF COMPARING THE
8 MODEL AND THE PHOTOS. I THINK THESE ARE THOSE
9 PHOTOS, I THINK THIS IS THAT MODEL, SO IT FEELS
10 TRUE.

11 Q OKAY. AND YOU AGREE WITH ME THAT THE APPLE
12 MODEL 035 AND THE CORRESPONDING PICTURES ARE
13 EMBODIMENTS OF THE '889 DESIGN PATENT; RIGHT?

14 MR. MCELHINNY: OBJECTION, YOUR HONOR.
15 CALLS FOR A LEGAL CONCLUSION FROM THIS WITNESS.

16 MR. VERHOEVEN: YOUR HONOR, ON DIRECT THE
17 WITNESS TESTIFIED TO THE EXACT QUESTION WITH
18 RESPECT TO OTHER APPLE PHYSICAL EXHIBITS --

19 MR. MCELHINNY: NO, WE'RE --

20 MR. VERHOEVEN: -- IN TESTIMONY ELICITED
21 BY MR. MCELHINNY.

22 MR. MCELHINNY: THE WORD "EMBODIMENT,"
23 WHICH IS A LEGAL WORD, WAS NEVER USED IN ANY
24 QUESTION THAT I ASKED.

25 THE COURT: WHY DON'T YOU REPHRASE THE

1 QUESTION, PLEASE?

2 BY MR. VERHOEVEN:

3 Q THE SPECIFIC PHYSICAL MODEL, APPLE MODEL 035,
4 IS THE SAME MODEL OR MOCK-UP APPEARS IN PHOTOGRAPHS
5 THAT WERE SUBMITTED TO THE PATENT OFFICE TOGETHER
6 WITH THE '889 PATENT APPLICATION? ISN'T THAT TRUE,
7 SIR?

8 MR. MCELHINNY: AGAIN, THAT LACKS
9 FOUNDATION FROM THIS WITNESS, YOUR HONOR.

10 THE COURT: IF YOU KNOW, SIR, GO AHEAD.

11 AND IF YOU COULD LAY THE FOUNDATION.

12 BUT IF YOU KNOW, SIR, YOU CAN ANSWER.

13 THE WITNESS: YOU -- COULD YOU REPEAT THE
14 QUESTION? YOU WERE ASKING ABOUT PHOTOGRAPHS WITH
15 THE PATENT APPLICATION?

16 BY MR. VERHOEVEN:

17 Q YOU'RE AWARE THAT PHOTOGRAPHS WERE TAKEN OF
18 THE APPLE MODEL 035; RIGHT?

19 A I SEE PHOTOGRAPHS OF 035.

20 Q AND THOSE PHOTOGRAPHS WERE SUBMITTED TO THE
21 PATENT OFFICE AS PART OF THE PROSECUTION OF WHAT
22 BECAME THE '889 PATENT; ISN'T THAT TRUE, SIR?

23 A I DON'T RECALL THE SPECIFICS OF SUCH AN
24 ATTACHMENT.

25 Q WELL, YOU'RE AN INVENTOR ON THE PATENT; RIGHT?

1 MR. MCELHINNY: ARGUMENTATIVE, YOUR
2 HONOR.

3 THE COURT: OVERRULED.

4 YOU CAN ANSWER. GO AHEAD.

5 THE WITNESS: YES, I AM.

6 BY MR. VERHOEVEN:

7 Q IN YOUR --

8 JUST ONE SECOND, YOUR HONOR.

9 (DISCUSSION OFF THE RECORD BETWEEN
10 DEFENSE COUNSEL.)

11 BY MR. VERHOEVEN:

12 Q ALL RIGHT. WOULD YOU AGREE WITH ME, SIR, THAT
13 APPLE MODEL 035 INCORPORATES THE '889 DESIGN?

14 A I BELIEVE THAT THE '889 PATENT REPRESENTS THIS
15 DESIGN.

16 Q OKAY. NOW, YOU TESTIFIED AT THE END OF YOUR
17 DIRECT TESTIMONY ABOUT SAMSUNG PHONES.

18 A CORRECT.

19 Q YOU'VE SEEN THE FOUR SOFT BUTTONS AT THE
20 BOTTOM OF SAMSUNG PHONES?

21 A WOULD YOU LIKE TO SHOW ME WHAT YOU MEAN?

22 Q WELL, YOU'RE THE ONE WHO TESTIFIED ON DIRECT
23 ALL ABOUT HOW IT WAS A RIP OFF. DO YOU REMEMBER --

24 MR. MCELHINNY: EXCUSE ME, YOUR HONOR.

25 BY MR. VERHOEVEN:

1 Q DO YOU REMEMBER, SIR, LOOKING AT SOFT BUTTONS
2 AT THE BOTTOM OF THE SAMSUNG PHONES?

3 MR. MCELHINNY: OBJECTION, YOUR HONOR.
4 THAT'S NOT A QUESTION. HE'S ARGUING WITH THE
5 WITNESS.

6 THE COURT: OVERRULED.

7 YOU CAN ANSWER.

8 THE WITNESS: COULD YOU REPEAT THE
9 QUESTION, PLEASE?

10 BY MR. VERHOEVEN:

11 Q DO YOU REMEMBER, YES OR NO, WHEN YOU LOOKED AT
12 THE SAMSUNG PHONES TO FORM THE OPINION AND THE
13 TESTIMONY THAT YOU GAVE BEFORE THE JURY, WHETHER
14 THEY HAD FOUR SOFT BUTTONS AT THE BOTTOM?

15 A I HAVE SEEN MANY SAMSUNG PHONES. I DO NOT
16 REMEMBER THE EXACT DETAILS OF SOFTWARE BUTTONS.

17 Q SO YOU DON'T REMEMBER WHETHER THEY HAD BUTTONS
18 ON THE BOTTOM?

19 A I -- LIKE I SAID, I'VE SEEN MANY SAMSUNG
20 PHONES. I DO NOT KNOW THAT THEY'RE ALL THE SAME IN
21 TERMS OF THEIR BUTTON ARRANGEMENTS AT THE BOTTOM.

22 Q HAVE YOU EVER SEEN ANY SAMSUNG PHONES THAT
23 HAVE FOUR SOFT BUTTONS AT THE BOTTOM?

24 A I WOULD LIKE YOU TO SHOW ME THE PHONE. THIS
25 COULD BE A TRICK QUESTION. I DON'T KNOW.

1 Q I'M JUST ASKING YOU, HAVE YOU EVER SEEN A
2 SAMSUNG PHONE THAT HAD FOUR SOFT BUTTONS AT THE
3 BOTTOM?

4 A IF YOU SHOWED ME THE PHONE, I COULD DETERMINE
5 THAT THERE ARE FOUR SOFT BUTTONS.

6 Q THAT'S NOT MY QUESTION, SIR. MY QUESTION IS,
7 HAVE YOU SEEN A SAMSUNG PHONE THAT HAD FOUR SOFT
8 BUTTONS AT THE BOTTOM?

9 A I CANNOT RECALL IT IT'S THREE OR FOUR. I
10 CANNOT RECALL.

11 Q HAVE YOU SEEN ANY PHONE, ANY SMARTPHONE THAT
12 HAD FOUR SOFT BUTTONS AT THE BOTTOM?

13 A QUITE POSSIBLY.

14 Q DID YOU THINK THEY WERE BEAUTIFUL?

15 A CLEARLY THEY DID NOT STICK IN MY MIND.

16 Q NOW, YOU TESTIFIED ON DIRECT ABOUT BUTTONS AND
17 HOW SOMETIMES YOU MIGHT DO 50 DIFFERENT MODELS OF A
18 BUTTON. DO YOU REMEMBER THAT?

19 A THAT'S CORRECT.

20 Q HOW MANY MODELS DID YOU DO OF THE HOME BUTTON?

21 A I COULD NOT GIVE YOU AN EXACT NUMBER, BUT I'M
22 SURE THERE WERE MANY.

23 Q OVER TEN?

24 A VERY LIKELY.

25 Q OVER 100?

1 A MAYBE NOT.

2 Q WHAT'S YOUR BEST ESTIMATE?

3 A I WILL NOT ESTIMATE BECAUSE I DO NOT KNOW.

4 Q DID YOU WORK ON THE DIFFERENT MODELS OF THE
5 HOME BUTTON?

6 A YES.

7 Q AND WHY WERE THERE SO MANY MODELS OF THE HOME
8 BUTTON DONE?

9 A TO GET IT EXACTLY RIGHT.

10 Q BECAUSE SMALL DETAILS MATTER; RIGHT?

11 A ABSOLUTELY.

12 Q AS AN APPLE INDUSTRIAL DESIGNER, YOU TESTIFIED
13 ABOUT THE WORK YOU DID TO COME UP WITH YOUR DESIGNS
14 ON DIRECT.

15 DO YOU REMEMBER THAT? YOU TESTIFIED
16 GENERALLY ABOUT SITTING AROUND THE KITCHEN TABLE
17 AND ALL THAT.

18 A YES.

19 Q ONE OF THE THINGS THAT YOU ALSO DO AS AN
20 INDUSTRIAL DESIGNER IS YOU PAY ATTENTION TO MOBILE
21 PHONES AND SMARTPHONES MANUFACTURED AND SOLD BY
22 YOUR COMPETITORS, DON'T YOU?

23 A ON OCCASION WE PAY SOME ATTENTION.

24 Q YOU ACTUALLY GET COMPETITIVE ANALYSES DONE AND
25 REVIEW THOSE OF YOUR COMPETITION, DON'T YOU?

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/S/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: JULY 31, 2012